

**REMARKS**

Assignee submits that the present amendment is fully responsive to the Office Action dated December 17, 2010, and, thus, the application is in condition for allowance.

By this reply, claims 21 and 26 are amended. Claims 21-40 remain pending, with claims 31-40 withdrawn from consideration. Claims 21-30 are under examination. Of these, claim 21 is independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claim 21 and its dependent claims were rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject material. The independent claim has been amended to recite a technological apparatus and should now be allowable.

In the outstanding Office Action, claims 21-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendrey (2002/0102993) in view of Goldhaber (5,794,210). It is asserted that Hendrey discloses a method with all of the features of the present invention as recited in the pending claims, but for disclosing that the advertisements are sent when the user's location is stable; and wherein the user enters a code on the wireless communication device to activate and deactivate an identity-blocking option, the identity-blocking option to allow or prevent dissemination of an identity of the user to the content provider. It is asserted that the feature of sending an advertisement when a user's location is stable would have been obvious to one having ordinary skill in the art at the time of the invention in light of Hendrey. It is further asserted that the user-entered code is disclosed by Goldhaber and that the combination of the references would have been obvious to one of ordinary skill in the art at the time of the invention. Assignee respectfully traverses.

With respect to independent claim 21, neither Hendrey nor Goldhaber, nor any other reference, alone or in combination, anticipates or obviates the present invention as recited in the

pending claim. Hendrey suffers from a number of shortcomings when used as a reference against this application. For example, Hendrey fails to teach, among other things, sending a pre-designated code from the service provider to the content server when the location is continuously changing; and searching a first database containing a plurality of location-specific advertisements, the database located on the content server, wherein receipt of the pre-designated code prevents the initiation of the searching. This feature is recited in the independent claim and is disclosed, for instance, in paragraph [0086] of the specification, as published.

For instance, according to the present invention, the service provider tracks the location of the mobile subscriber. The service provider sends the location information of the user to the content server. Thus, in many instances, when the mobile subscriber is in a location, service provider determines this location and sends the location of the mobile subscriber to the content server. The content server checks a database to match advertisements for the user and the location, and sends the location-specific advertisements to the user. However, as the service provider is tracking the mobile subscriber, the service provider also knows when the mobile subscriber is moving, such as when the mobile subscriber traveling in a car. When the mobile subscriber is moving, instead of or in addition to sending location information to the content server, the service provider sends a code indicating the movement of the mobile subscriber. This is because, while the mobile subscriber may be in the location, it is unlikely that the mobile subscriber will be stopping or even see the advertisement. When the content server receives this code, the content server does not initiate a search for an advertisement and does not send an advertisement to the mobile subscriber. By not sending the advertisement, resources of the wireless network as well as resources of the content server are saved.

Hendrey does not allow for these features. Hendrey is directed to mobile telecommunications systems that have the ability to deliver advertisements to mobile units and determine a geographical location of mobile units in the mobile telecommunications system (Hendrey, Paragraph [0002]). According to the Board, Hendrey creates a tailored advertising message responsive to the prospect's location using a location-sensitive advertising content generation subsystem, and sends it to the prospect (Hendrey, Paragraph [0038]). Hendrey discloses tracking the prospect after the prospect has received the advertisement to determine the effectiveness of the advertisement. However, Hendrey sends advertising messages to all prospective customers at the location, at most, filtering the prospective customers based upon profile information to determine the appropriate advertisement (Hendrey, Paragraphs [0037-0038]). There is absolutely no disclosure in Hendrey of not sending an advertising message when a prospective customer is at the location, but moving. Such a feature saves valuable network resources, as advertisements are not sent to unlikely customers, such as those driving past the location. At most, Hendrey may later filter these potential customers out of the results of their determination of effectiveness after already sending the advertising message. Thus, the network resources have already been wasted. Further, there is no disclosure in Hendrey of a service provider sending a pre-designated code to the content server indicating to the content server that the wireless communication device is moving. In the present invention, this code prevents the content server from searching for location-specific advertising for the wireless communication device, saving otherwise wasted resources at the content server as well. Nowhere does Hendrey provide for saving any of these resources. These features are simply not present.

Goldhaber cannot cure the deficiencies of Hendrey with respect to the independent claim. The Board stated that Goldhaber is directed to delivering information electronically using techniques for delivering positively and negatively priced intellectual property and attention brokering, orthogonal sponsorship, and/or privacy protection in an electronic information delivery network (Goldhaber, Column 1, Lines 4-11). Nowhere does Goldhaber disclose any type of prevention of sending location-based advertising. Goldhaber does not even provide for a situation where such a feature would be desirable. There is no location based information in Goldhaber, and thus any kind of sending of advertising based upon such information is also not disclosed. Such features are not even contemplated by Goldhaber. Therefore, any pre-designated code being sent to a content server in response to a continuously changing position of a wireless communication device likewise is not disclosed. Thus, Goldhaber cannot cure the deficiencies of Hendrey. For at least this reason, the rejection should be withdrawn.

Thus, neither Hendrey nor Goldhaber, alone or in combination, teach all of the elements in the independent claim. Hence, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. For this reason, Assignee respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Assignee's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

No extension of time is believed to be necessary to enter this amendment. If any fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Assignee respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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